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SUPREME COURT, U.S.
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IN THE
Supreme Court of the United States

OCTOBER TERM, 1953

STATE OF RHODE ISLAND and PROVIDENCE PLANTATIONS,
Complainant,

v.

STATE OF LOUISIANA; STATE OF FLORIDA; STATE OF TEXAS;
STATE OF CALIFORNIA; GEORGE M. HUMPHREY; DOUGLAS
McKAY; ROBERT B. ANDERSON; IVY BAKER PRIEST,
Defendants.

MOTION FOR LEAVE TO FILE COMPLAINT

and

COMPLAINT

WILLIAM E. POWERS,
Attorney General of Rhode Island,
Attorney for Complainant.

December 21, 1953.

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Supreme Court of the United States

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STATE OF CALIFORNIA; GEORGE M. HUMPHREY; DOUGLAS
McKAY; ROBERT B. ANDERSON; IVY BAKER PRIEST,
Defendants.

MOTION FOR LEAVE TO FILE COMPLAINT

The State of Rhode Island and Providence Plantations, by its Attorney General, asks leave of the Court to file the Complaint submitted herewith against the State of Louisiana, the State of Florida, the State of Texas, the State of California, George M. Humphrey, Douglas McKay, Robert B. Anderson, and Ivy Baker Priest.

WILLIAM E. POWERS,
Attorney General of Rhode Island.

December 21, 1953.

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STATE OF CALIFORNIA; GEORGE M. HUMPHREY; DOUGLAS
McKAY; ROBERT B. ANDERSON; IVY BAKER PRIEST,
Defendants.

COMPLAINT

The State of Rhode Island and Providence Plantations, (hereinafter called Rhode Island) by its Attorney General, brings this action against the defendants, the State of Louisiana, the State of Florida, the State of Texas, the State of California, and the following named individuals: George M. Humphrey; Douglas McKay, Robert B. Anderson and Ivy Baker Priest, acting under color of authority as Secretary of the Treasury, Secretary of the Interior, Secretary of the Navy and Treasurer of the United States, respectively; and for its cause of action states:

I.

The jurisdiction of This Court is invoked under Article III, Section 2 of the Constitution of the United States, and Title 28, United States Code, Section 1251.

II.

Rhode Island, the complainant herein, is an original state of the Union.

III.

The State of Louisiana, a defendant herein, is a state of the Union, admitted into the Union in 1812 by the terms of the Act of Congress of April 8, 1812, c. 50, (2 Stat. 701), which declared the State of Louisiana to be one of the United States of America and admitted into the Union on an equal footing with the original states in all respects whatever. Louisiana was the fifth state admitted to the Union after the assent to the Constitution and the ratification thereof by Rhode Island on May 29, 1790. Rhode Island was the thirteenth and last of the original states to become a member of the Union.

IV.

The State of Florida, a defendant herein, is a state of the Union admitted into the Union in 1845 by the terms of the Act of Congress of March 3, 1845, c. 48, (5 Stat. 742), which declared the State of Florida to be one of the United States and admitted to the Union on an equal footing with the original states in all respects whatever. Florida was the fourteenth state admitted to the Union after the assent to the Constitution and the ratification thereof by Rhode Island.

V.

The State of Texas, a defendant herein, is a state of the Union, admitted into the Union in 1845 by the terms of the

Joint Resolution of Congress of March 1, 1845, No. 8, (5 Stat. 797), which declared the State of Texas to be admitted to the United States on an equal footing with the original states. Texas was the fifteenth state admitted to the Union after the assent to the Constitution and the ratification thereof by Rhode Island.

VI.

The State of California, a defendant herein, is a state of the Union, admitted into the Union in 1850 by the terms of the Act of Congress of September 9, 1850, c. 50, (9 Stat. 452), which declared the State of California to be one of the United States of America and admitted into the Union on an equal footing with the original states in all respects whatever. California was the eighteenth state admitted to the Union after the assent to the Constitution and the ratification thereof by Rhode Island.

VII.

When the defendant states Louisiana, Florida, Texas, and California, came into the Union in the manner and at the times described in Paragraphs III through VI of this complaint, each became a sister state of Rhode Island on an equal footing in all respects whatever with Rhode Island and with each other and with all the other states in the Union.

VIII.

Defendant George M. Humphrey is Secretary of the Treasury, and a citizen of the State of Ohio; defendant Douglas McKay is Secretary of the Interior, and a citizen of the State of Oregon; defendant Robert B. Anderson is Secretary of the Navy, and a citizen of the State of Texas; defendant Ivy Baker Priest is Treasurer of the United States, and a citizen of the State of Utah.

IX.

Insofar as the States of the United States and the citizens and people thereof are concerned, the United States is now and has been at all pertinent times heretofore possessed of paramount rights in, full dominion and power over, and exclusive jurisdiction and control over the lands, minerals and other natural resources of the subsoil and seabed underlying the Gulf of Mexico seaward from the ordinary low water mark along that portion of the coast of Louisiana which is in direct contact with the open sea and from the seaward limit of inland waters extending to the territorial limits of the United States in the Gulf of Mexico. The United States acquired these rights as attributes of national sovereignty in the manner described by this Court in *United States v. California*, 332 U. S. 19; *United States v. Louisiana*, 339 U. S. 699; and *United States v. Texas*, 339 U. S. 707 and holds and has held these rights and revenues derived therefrom as trustee for all the states and citizens of the United States, including Rhode Island and its citizens and people.

X.

Rhode Island, its people and citizens, by virtue of its membership in the Union on a footing by which that of the State of Louisiana is measured, as set forth in paragraph VII of this Complaint, is entitled to equal treatment with the State of Louisiana with respect to the limit of territorial waters measured seaward from the ordinary low water mark and from the seaward limit of inland waters. Both by rule of international law and by determinations of the United States Government in the conduct of its foreign relations, the permissible width of the belt of territorial waters is three nautical miles. This rule is binding equally upon Rhode Island and upon the State of Louisiana. The area beyond the three mile belt of territorial waters of the State of Louisiana (and in particular the area from three to nine nautical miles from the ordinary low water

mark or seaward limit of inland waters) is, therefore part of the high seas and outside the territorial boundaries of Louisiana.

XI.

Insofar as the States of the United States and the citizens and people thereof are concerned, the United States is now and has been at all pertinent times prior hereto, possessed of paramount rights in, full dominion and power over, and exclusive right to jurisdiction and control over the lands, minerals and other natural resources of the subsoil and seabed underlying the Gulf of Mexico lying seaward from the ordinary low water mark along that portion of the coast of Florida which is in direct contact with the open sea and from the seaward limit of inland waters, extending to the territorial limits of the United States. The United States acquired these rights as attributes of national sovereignty in the manner described by this Court in *United States v. California*, 332 U. S. 19; *United States v. Louisiana*, 339 U. S. 699 and *United States v. Texas*, 339 U. S. 707, and holds and has held these rights and the revenues therefrom as trustee for all the citizens and all the people and all the states, including Rhode Island and its citizens and people.

XII.

Rhode Island, its people and citizens, by virtue of its membership in the Union on a footing by which that of the State of Florida is measured as set forth in paragraph VII of this complaint, is entitled to equal treatment with the State of Florida with respect to the limit of territorial waters and the land and its contents under such waters measured from the ordinary low water mark from the seaward limit of inland waters. Both international law and determinations of the United States Government in the conduct of its foreign relations refer to the permissible width of the belt of territorial waters as three nautical miles.

This rule is binding equally upon Rhode Island and upon the State of Florida. The area beyond the three mile belt of territorial waters of the State of Florida (and in particular the area from three to nine nautical miles from the ordinary low water mark or seaward limit of inland waters) is, therefore part of the high seas and outside the territorial boundaries of Florida.

XIII.

Insofar as the States of the United States and the citizens and people thereof are concerned, the United States is now and has been at all pertinent times prior hereto possessed of paramount rights in, full dominion and power over, and the exclusive jurisdiction and control over the lands, minerals and other natural resources of the subsoil and seabed underlying the Gulf of Mexico seaward from the ordinary low water mark along that portion of the coast of Texas which is in direct contact with the open sea and from the seaward limit of inland waters extending into the Gulf of Mexico to the territorial boundaries of the United States. The United States acquired these rights as attributes of national sovereignty in the manner described by the Court in *United States v. California*, 332 U. S. 19; *United States v. Louisiana*, 339 U. S. 699; *United States v. Texas*, 339 U. S. 707 and holds and has held these rights and revenues derived therefrom as trustee for all the people and all the states, including Rhode Island, and its citizens and people.

XIV.

Rhode Island, its people and citizens, by virtue of its membership in the Union on a footing by which that of the State of Texas is measured as set forth in paragraph VII of this complaint, is entitled to equal treatment with the State of Texas with respect to the limit of territorial waters and the land and its contents under such waters measured

from the ordinary low water mark from the seaward limit of inland waters. Both international law and determinations of the United States Government in the conduct of its foreign relations refer to the permissible width of the belt of territorial waters as three nautical miles. This rule is binding equally upon Rhode Island and upon the State of Texas. The area beyond the three mile belt of territorial waters of the State of Texas (and in particular the area from three to nine nautical miles from the ordinary low water mark or seaward limit of inland waters) is, therefore part of the high seas and outside the territorial boundaries of Texas.

XV.

The United States is now and has been at all pertinent times prior hereto, possessed of paramount rights in, full dominion in and power over, and the exclusive jurisdiction and control over, the lands, minerals and other natural resources of the subsoil and seabed underlying the Pacific Ocean seaward of the ordinary low water mark on the coast of California and outside of inland waters, extending seaward to the limit of the territorial boundaries of the United States. The United States acquired these rights as attributes of national sovereignty at the times and in the manner described by this Court in *United States v. California*, 332 U. S. 19; *United States v. Louisiana*, 339 U. S. 699, and *United States v. Texas*, 339 U. S. 707, and holds and has held these rights and revenues derived therefrom for all the people and for all the states, including Rhode Island and its citizens and people.

XVI.

The value of the natural resources of the subsoil and seabed off the coast of the defendants Louisiana, Florida, Texas, and California referred to in paragraphs IX, XI,

XIII and XV is conservatively estimated to be in excess of fifty billion dollars.

XVII.

Citizens of Rhode Island, together with other citizens of the United States, are now, and have been at all pertinent times prior hereto, possessed of the privilege to take fish off the coast of Canada and Newfoundland, beyond the territorial limits of Canada and Newfoundland. By treaties of October 20, 1818 and January 23, 1924, between Great Britain (including its dominions overseas) and the United States, these limits are fixed at three miles from the coast-line. The exercise of this privilege is an essential mainstay to the fishing industry of Rhode Island, on which thousands of citizens of Rhode Island are wholly or partially dependent for their livelihood, and plays an important role in the economy of Rhode Island. Citizens of Rhode Island earn and have earned many millions of dollars a year from the exercise of this privilege.

XVIII.

The State of Louisiana has asserted, and continues to assert, that its territorial boundaries include the high seas off the coast of Louisiana extending seaward into the Gulf of Mexico twenty-seven nautical miles from the ordinary low water mark along that portion of the coast of Louisiana which is in direct contact with the open sea and from the seaward limit of its inland waters. In consequence, the claims of Louisiana (under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65) described in the next following paragraph relate not only to the mineral resources described in those paragraphs which are found within three nautical miles seaward into the Gulf of Mexico from the ordinary low water mark and from the seaward limit of inland waters, but also the natural resources found on the high seas in the area between three to nine miles seaward into the Gulf of Mexico.

XIX.

The State of Louisiana has asserted and is now (under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65) continuing to assert ownership of, full dominion and power over, and the exclusive jurisdiction and control over the land, minerals and other resources of the subsoil and seabed described in paragraph IX of this Complaint, contrary to the decision and judgment of this Court in *United States v. Louisiana*, 339 U. S. 699, and the decision of this Court in *United States v. California*, 322 U. S. 19, and over the fish, shrimp, crabs, lobsters and other marine animal and plant life of the same area. As part of these assertions the State of Louisiana has made enactments and negotiations with respects to such natural resources and has negotiated and executed, and continues to negotiate and execute, numerous leases and licenses with various persons and corporations authorizing them to enter upon the area described in paragraph IX and take petroleum, gas, mineral deposits and other natural resources of the subsoil. The State of Louisiana has received and is receiving large sums of money from these leases and licenses, which sums of money have been applied and are being applied for the exclusive benefit of the State of Louisiana and the citizens thereof, thereby unlawfully attempting to deprive the complainant and its citizens and people of their equitable interests in the rights and revenues described in paragraph IX and held by the United States for the benefit of all the states and all the citizens and people of the United States, including the complainant, and its citizens. The State of Louisiana will continue to engage in the course of conduct described in this paragraph unless prevented from doing so by this Court.

XX.

The State of Florida has asserted, and is continuing to assert, that its territorial boundaries include the high seas off the coast of Florida extending seaward into the Gulf of

Mexico nine nautical miles from the ordinary low water mark along that portion of the coast of Florida which is in direct contact with the open sea and from the seaward limit of inland waters. In consequence, the claims of Florida (under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65) described in the following paragraph XXI relate not only to the natural resources described in those paragraphs which are found within three nautical miles seaward into the Gulf of Mexico from the ordinary low water mark and from the seaward limit of inland waters, but also the natural resources found on the high seas in the area between three to nine miles seaward into the Gulf of Mexico.

XXI.

The State of Florida has asserted, and is now (under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65) continuing to assert ownership of, full dominion and power over, and the exclusive right to jurisdiction and control over the land, minerals and other natural resources of subsoil and seabed described in paragraph XI of this Complaint, contrary to the decisions of this Court in *United States v. California*, 332 U. S. 19; *United States v. Texas*, 339 U. S. 707; and *United States v. Louisiana*, 339 U. S. 699, and over fish, shrimp, crabs, lobsters and other marine animal and plant life in the same area. As part of these assertions the State of Florida has made enactments and regulations with respect to such natural resources, has claimed the right to negotiate and execute, and now claims the right to negotiate and execute leases and licenses with various persons and corporations authorizing them to enter upon the area described in paragraph XI and take petroleum, gas, mineral deposits and other natural resources of the subsoil. The State of Florida plans and proposes to apply the sums of money received from such leases and licenses for the exclusive benefit of the State of Florida and the citizens thereof, thereby unlawfully de-

priving the complainant and its citizens of their equitable interest in the rights and revenues described in paragraph XI and held by the United States for the benefit of all the states and citizens of the United States, including the complainant and its citizens. The State of Florida will continue to engage in the course of conduct described in this paragraph unless prevented from doing so by this Court.

XXII.

The State of Texas has asserted, and is continuing to assert, that its territorial boundaries include the high seas off the coast of Texas extending into the Gulf of Mexico to the edge of the continental shelf, an area which extends into the Gulf of Mexico more than fifty and as much as one-hundred and fifty nautical miles seaward from the ordinary low water mark along that portion of the coast of Texas which is in direct contact with the open sea and from the seaward limit of inland waters. In consequence, the claims of Texas (under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65) described in the next following paragraph relate not only to the natural resources described in those paragraphs which are found within three nautical miles seaward into the Gulf of Mexico from the ordinary low water mark and from the seaward limit of inland waters, but also the natural resources found on the high seas in the area between three to nine miles seaward into the Gulf of Mexico, and to the limit of the continental shelf.

XXIII.

The State of Texas has asserted and is now (under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65) continuing to assert ownership of, full dominion and power over, and the exclusive jurisdiction and control over the land, minerals and other resources of the subsoil and seabed described in paragraph XIII of this Complaint, con-

trary to the decision of this Court in *United States v. Texas*, 339 U. S. 707, and the decision of this Court in *United States v. California*, 332 U. S. 19, and over the fish, shrimp, crabs, lobsters and other marine animal and plant life in the same area. As part of these assertions the State of Texas has made enactments and regulations with respect to such natural resources and has negotiated and executed, and continues to negotiate and execute, numerous leases and licenses with various persons and corporations authorizing them to enter, remain upon, use and occupy the area described in paragraph XIII and take petroleum, gas, mineral deposits and other natural resources of the subsoil. The State of Texas has received and is receiving large sums of money from these leases and licenses, which sums of money have been applied, and are being applied, for the exclusive benefit of the State of Texas and its citizens, thereby unlawfully attempting to deprive the complainant and its citizens of their equitable interests in the rights and revenues described in paragraph XIII and held by the United States for the benefit of all the states and all the people and citizens of the United States, including the complainant and its people and citizens. The State of Texas will continue to engage in the course of conduct described in this paragraph unless prevented from doing so by this Court.

XXIV.

The State of California has asserted and is now (under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65) continuing to assert ownership of, full dominion and power over and the exclusive jurisdiction and control over the lands, minerals and other natural resources of the subsoil and seabed described in paragraph XV of this Complaint, contrary to the decision and judgment of this Court in *United States v. California*, 332 U. S. 19, and over the fish, shrimp, crabs, lobsters and other marine animal and plant life in the same area. As part of these assertions,

the State of California has made enactments and regulations with respect to such natural resources and has negotiated and executed, and continues to negotiate and execute, numerous leases and licenses with various persons and corporations authorizing them to enter, remain upon, use and occupy the area described in paragraph XV and take petroleum, gas, mineral deposits and other natural resources of the subsoil. The State of California has received and is receiving large sums of money from these leases and licenses, which sums of money have been applied and are being applied to the exclusive benefit of the State of California and its citizens, thereby unlawfully attempting to deprive the complainant and its citizens and people of their equitable interest in the rights and revenues described in paragraph XV and held by the United States for the benefit of all the states and people and citizens of the United States, including the complainant and its citizens and people. The State of California will continue to engage in the course of conduct described in this paragraph unless prevented from doing so by this Court.

XXV.

As a result of the paramount rights, full dominion and power, and exclusive jurisdiction and control of the United States over the lands, minerals and other natural resources described in paragraphs IX, XIII and XV of this Complaint and as a result of the decisions and orders of this Court in *United States v. California*, 332 U. S. 19; *United States v. Louisiana*, 339 U. S. 699; and *United States v. Texas*, 339 U. S. 707 and actions taken pursuant to these decisions and orders, the defendant California holds impounded for the benefit of the United States, and the defendants Humphrey, McKay, Anderson and Priest hold, or have under their direction and control, monies heretofore paid as rents, royalties, or otherwise in connection with leases and licenses with various persons and corporations under which such persons and corporations have entered

upon the areas described in paragraphs IX, XIII and XV and have taken the natural resources described in those paragraphs. The sum of money involved is in excess of \$62,000,000. The defendants California, Humphrey, McKay, Anderson and Priest hold such monies, and are required by law to exercise the direction and control which they have over such monies, as trustees for all the states and citizens of the United States, including the complainant and its citizens, and not for the special and exclusive benefit of defendant States of California, Louisiana and Texas, to the exclusion of the complainant and its citizens, as well as to the exclusion of the other states of the United States and the citizens thereof.

XXVI.

As a result of the assertions of territorial jurisdiction by the defendant States of Louisiana, Florida and Texas described in paragraphs XVIII, XX and XXII of this Complaint, and assertions of ownership of, full dominion and power over and exclusive jurisdiction and control over the resources described in paragraphs XIX, XXI and XXIII, the fishing privileges enjoyed by the citizens of Rhode Island described in paragraph XVII are placed in jeopardy. The effect of the assertions of said defendant states (under color of authority of Public Law 31) operate as a repudiation of the United States treaty obligation to limit its claims of territorial waters to a belt three miles in width from its coasts. This will release the Dominion of Canada from its treaty obligation to limit its claims of territorial waters to a belt three miles in width from its coast. Thus, citizens of Rhode Island, together with other citizens of the United States, will be denied access to fisheries presently enjoyed off the coast of Canada, which will greatly diminish the revenues to be derived from the exercise of the privilege described in paragraph XVII, to the irreparable detriment of Rhode Island and its citizens.

XXVII.

The defendants Humphrey, McKay, Anderson and Priest, acting under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65, will, if not restrained by this Court, pay the monies referred to in paragraph XXV of this Complaint to the defendants California, Texas and Louisiana, or exercise their direction and control over such monies for the exclusive benefit of the defendant's California, Louisiana and Texas, thereby unlawfully depriving the complainant, and its citizens, of their proportionate and equitable interest in these monies.

XXVIII.

The defendants Humphrey, McKay, Anderson and Priest, acting under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65, will, if not restrained by this Court, acquiesce in the assertions of the defendants California, Texas, Louisiana and Florida set forth in paragraphs XVIII to XXIV inclusive, of this Complaint, and will fail to assert the interest of the United States set forth in paragraphs IX, XI, XIII and XV of this Complaint, thereby depriving the complainants and its citizens of their proportionate equitable interest in the natural resources described in paragraphs IX, XI, XIII and XV of this Complaint and the revenues derived therefrom.

XXIX.

Rhode Island sues, *inter alia*, in its sovereign capacity as an original state of the Union, enjoying equal footing with the defendant states and other states of the Union in all respects whatsoever, to protect sovereign rights equal to and co-extensive with those of the defendant states, which rights have been or will be derogated by assertions made or proposed to be made by the defendant states under color of authority of Public Law 31.

XXX.

The officials of the Executive Branch of the Government having failed in their duty to support and uphold the Constitution and the rights of the United States with respect to the subject matter of this suit, Rhode Island sues in its sovereign capacity as one of the forty-eight states in order to assure compliance, by the Federal Government, with the express prohibitions contained in the Constitution itself, and in order also to prevent action such as here contemplated by the defendants, which action, if permitted to be carried out, would place the individual defendants in a position whereby they would be violating their official duties to support the Constitution.

XXXI.

Rhode Island sues in its capacity as quasi-sovereign and *parens patriae* for the citizens of Rhode Island for whom the paramount rights of the Federal Government with respect to the resources described in paragraphs IX, XI, XIII and XV of this Complaint and revenues therefrom are held in trust.

XXXII.

Rhode Island sues in its capacity as quasi-sovereign and *parens patriae* for its citizens whose economy and livelihood will be irreparably injured by action taken or proposed to be taken by the defendant states described in paragraph XXVI of this Complaint.

XXXIII.

The terms of Public Law 31, 83d Cong., 1st Sess., c. 65 do not authorize the claims of the defendant States Texas, Louisiana and Florida to a belt of territorial waters nine nautical miles in width described in paragraphs XVII, XX and XXII of this Complaint. The boundaries which these defendant states now claim, as described in

those paragraphs, did not exist at the times each such defendant state became a member of the Union, or if they did exist as a claim merely or in actual territory *de jure*, the entrance of each of these states into the Union operated to transfer and relinquish to the United States any claim, whether existing in mere assertion or as of right. Furthermore, these claims of the defendant states have not been approved by the Congress of the United States at any time subsequent to their admission to the Union and prior to the passage of Public Law 31, 83d Cong., 1st Sess., c. 65. Furthermore, Public Law 31, 83d Cong., 1st Sess., c. 65, should not be construed so as to authorize the other claims, assertions and actions of any of the defendant states described in this Complaint.

XXXIV.

If construed so as to authorize the claims, assertions and actions set forth and described in this complaint, Public Law 31, 83d Cong., 1st Sess., c. 65, is unconstitutional, null and void for the following reasons:

1. Public Law 31, 83d Cong., 1st Sess., c. 65, involves an unlawful abdication by the Government of the United States and an unlawful delegation to the defendant states of certain essential and non-delegable elements of national sovereignty which this Court in *United States v. California*, 332 U. S. 19; *United States v. Louisiana*, 339 U. S. 699; *United States v. Texas*, 339 U. S. 707, held adhere under the Constitution to the Government of the United States and the Government of the United States alone. Public Law 31, 83d Cong., 1st Sess., c. 65, therefore does not constitute an ordinary disposition of property belonging to the United States within the meaning of Article IV, Section 3, clause 2 of the Constitution.

2. Public Law 31, 83d Cong., 1st Sess., c. 65, purports to transfer to the defendants the States of Louisiana, Florida, Texas and California rights over resources to which the

United States has paramount rights and dominion as an essential attribute of national sovereignty and which the United States is required by the Constitution to hold in trust for the people of the whole nation.

3. Public Law 31, 83d Cong., 1st Sess., c. 65, attempts an unconstitutional delegation to certain states of the power of Congress under Article IV, Section 3, clause 2 of the Constitution to dispose of and make all needful rules and regulations respecting property belonging to the United States, and attempts an unconstitutional abdication of the constitutional role of the United States to exercise the power granted under Article IV, Section 3, clause 2 of the Constitution for the benefit of all the people of the United States.

4. Rhode Island had before the enactment of said Public Law 31 and notwithstanding the provisions of that law, still has an interest in the lands and resources covered by Public Law 31, 83d Cong., 1st Sess., c. 65, identical with that of the defendants the State of Louisiana, the State of Florida, the State of Texas, and the State of California. Public Law 31, 83d Cong., 1st Sess., c. 65 which purports to convey and alienate irrevocably these natural resources to these four states alone is, therefore, contrary to the terms on which Rhode Island, Louisiana, Florida, Texas and California were admitted to the Union pursuant to Article IV, Section 3, clause 1 of the Constitution and is therefore contrary to this Article and is contrary to the constitutional bond both required by and formed under authority of this Article.

5. Public Law 31, 83d Cong., 1st Sess., c. 65, is contrary to Article IV, Section 3, Clause 1 of the Constitution and action taken thereunder which guarantees that all states admitted to the Union shall be and remain equal in power, dignity and authority. If interpreted in a manner consistent with the claims and actions of the defendant States of Louisiana, Florida and Texas and the claims and actions of the defendant Humphrey, McKay, Anderson and

Priest, Public Law 31, 83d Cong., 1st Sess., c. 65, purports to give to these three states, alone of all the states in the Union, the right to extend their boundaries three marine leagues from their shores.

6. Public Law 31, 83d Cong., 1st Sess., c. 65, attempts an unconstitutional abdication or delegation by Congress of its power to control, in a sovereign and national capacity, the natural resources described in this Complaint for the purpose of providing for the common defense of the United States under Article I, Section 8 of the Constitution.

WHEREFORE, your complainant prays that:

1. Public Law 31, 83d Cong., 1st Sess., c. 65, be decreed to be unconstitutional, void and of no effect.

2. Public Law 31, 83d Cong., 1st Sess., c. 65, be declared to give to the defendant states no rights to, or power, authority, or dominion over, any lands, natural resources or marine animal or plant life which was, prior to the enactment of such law, vested by the Constitution in the United States to be exercised for the benefit of all the states and citizens of the United States, and that to the extent that such law is construed to give any such right, power, authority or dominion to the defendant states it be declared to be unconstitutional, void and of no effect.

3. Public Law 31, 83d Cong., 1st Sess., c. 65, be declared to give the defendant States, Louisiana, Florida and Texas no right to, or power, authority or dominion over the maritime belt lying seaward between three and nine nautical miles from the ordinary low water mark along that portion of their coasts which is in direct contact with the open sea and from the seaward limit of inland waters and that to the extent that such law is construed to give any such right, power, authority or dominion to these defendant states it be declared to be unconstitutional, void and of no effect.

4. The defendants Humphrey, McKay, Anderson and Priest and each of them be permanently enjoined from making any payments of funds referred to in paragraph XXV now under their control, and the defendants the State of Louisiana, the State of Florida, the State of Texas and the State of California be enjoined and ordered to make restitution of any payments which may already have been made.

5. The defendants the State of Louisiana, the State of Florida, the State of Texas and the State of California be permanently enjoined and restrained from attempting to assert ownership of, full dominion and power over and the exclusive jurisdiction and control over the land, minerals and other natural resources of the subsoil and seabed described in paragraphs IX, XI, ~~XIV~~ and XV of this Complaint and marine animal and plant life in the manner described in paragraph ~~XIX~~, XXI, XXIII and ~~XXIV~~ of this Complaint. X

6. The defendants Humphrey, McKay, Anderson and Priest be permanently enjoined and restrained from acquiescing in the assertions of the defendants the States of Louisiana, Florida, Texas and California described in paragraphs XVIII through XXIV of this Complaint in the manner described in paragraph XXVIII of this Complaint.

7. The defendants the States of Louisiana, Florida and Texas be permanently enjoined and restrained from attempting to assert jurisdiction on the high seas as described in paragraphs XVIII, XX and XXII of this Complaint and that the action taken by these defendant states in such assertions of jurisdiction be decreed to be unconstitutional, void and of no effect.

8. The State of Rhode Island recover its costs herein expended and be granted such other relief as this Court may deem just and equitable.

Respectfully submitted,

WILLIAM E. POWERS,
*Attorney General of Rhode Island,
Attorney for Complainant.*

December 21, 1953.

Certificate of Service.

I, WILLIAM E. POWERS, certify that I have served a copy of the foregoing motion for leave to file complaint, and the attached complaint, and the brief in support thereof, on the following named individuals by mailing a copy of same to them, postage prepaid, to the following addresses:

The Honorable Allen Shivers
Governor
State Capitol
Austin, Texas

The Honorable John Ben
Shepperd
Attorney General
State Capitol
Austin, Texas

The Honorable Robert F.
Kennon
Governor
State Capitol
Baton Rouge, Louisiana

The Honorable Fred S. LeBlanc
Attorney General
State Capitol
Baton Rouge, Louisiana

The Honorable Charley E. Johns
Governor
State Capitol
Tallahassee, Florida

The Honorable Richard W.
Ervin
Attorney General
State Capitol
Tallahassee, Florida

The Honorable Goodwin Knight
Governor
State Capitol
Sacramento, California

The Honorable Edmund G.
Brown
Attorney General
State Capitol
Sacramento, California

The Honorable George M.
Humphrey
Secretary of the Treasury
Department of the Treasury
Washington, D. C.

The Honorable Douglas McKay
Secretary of the Interior
Department of the Interior
Washington, D. C.

The Honorable Robert B.
Anderson
Secretary of the Navy
Department of the Navy
Washington, D. C.

The Honorable Ivy Baker Priest
Treasurer of the United States
Department of the Treasury
Washington, D. C.

The Honorable Herbert
Brownell, Jr.
Attorney General
Department of Justice
Washington, D. C.

Done on this the 21st day of December, 1953.

WILLIAM E. POWERS,
*Attorney General of Rhode Island,
Attorney for Complainant.*